

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

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Chapter 1 - Oklahoma Public Health Code

Voluntary and Informed Consent

Article Article 7 - Hospitals and Related Institutions

Section 1-738.3a - Department of Health Web Site - Physician Reporting Requirements - Form for Physician - Notice - Rules

Cite as: O.S. §, __ __

A. By February 1, 2008, the **State Department of Health** shall prepare and make available on its stable Internet web site the form described in subsection B of this section. A copy of this act shall be posted on the web site. Physicians performing abortions shall complete and electronically submit the required forms to the Department no later than April 1 for the previous calendar year. Nothing in the report shall contain the name, address, or any other identifying information of any patient.

B. The form for physicians shall contain a listing for the following information:

1. The number of females to whom the physician, or an agent of the physician, provided the information described in Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that number, the number provided the information by telephone and the number provided the information in person; and of each of those numbers, the number provided the information in the capacity of a referring physician and the number provided the information in the capacity of a physician who is to perform the abortion; and of each of those numbers, the number provided the information by the physician and the number provided the information by an agent of the physician;
2. The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Section 1-738.3 of Title 63 of the Oklahoma Statutes other than on the web site, and the number who did not; and of each of those numbers, the number who, to the best of the information and belief of the reporting physician, went on to obtain the abortion; and
3. The number of abortions performed by the physician in which information otherwise required to be provided at least twenty-four (24) hours before the abortion was not so provided because an immediate abortion was necessary to avert the death of the female, and the number of abortions in which the information was not so provided because a delay would cause substantial and irreversible impairment of a major bodily function.

C. The **State Department of Health** shall ensure that the reporting forms described in subsection B of this section are posted, on its stable Internet web site, within one hundred twenty (120) days after the effective date of this act. The **State Department of Health** shall notify the following of the requirements of this act:

1. By March 1, 2008, all physicians licensed to practice in this state;
2. Each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and
3. By December 1 of each year, other than the calendar year in which forms are first made available to all physicians licensed to practice in this state.

D. By February 28 of each year following a calendar year in any part of which this section was in effect, each physician who provided, or whose agent provided, information to one or more females in accordance with Section 1-738.2 of Title 63 of the Oklahoma Statutes during the previous calendar year shall electronically submit to the **State Department of Health** the form described in subsection B of this section, with the requested data entered accurately and completely.

E. Reports that are not electronically submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars (\$500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not completed and electronically submitted a report, or has electronically submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the **State Department of Health**, be directed by a court of competent jurisdiction to electronically submit a complete

F. By June 30 of each year, the **State Department of Health** shall prepare and make available on its stable Internet web site a public report providing statistics for the previous calendar year compiled from all items listed in subsection B of this section. Each report shall also provide statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The **State Department of Health** shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual providing or provided information in accordance with subsection B of this section.

G. The **State Department of Health** may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by this section or consolidate the form or report described in this section with other forms or reports to achieve administrative convenience, fiscal savings or to reduce the burden of reporting requirements, as long as reporting forms are made available, on its stable Internet web site to all licensed physicians in the state, and the report described in this section is issued at least once every year.

Historical Data

Laws 2007, SB 139, c. 161, § 3, eff. November 1, 2007.

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